

Review the instructions on the reverse side before completing this form. For adjudicating officer decisions issued on or after March 18, 2001.

State of Michigan
Department of Civil Service
EMPLOYMENT RELATIONS BOARD
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BRIEF IN RESPONSE TO APPLICATION FOR LEAVE TO APPEAL

Part A — Case Name

DECISION NUMBER

REFERENCE NUMBER

CS-138 NUMBER (If applicable)

Part B — Provide concise statement of material proceedings and findings. (See instructions. Additional sheets may be attached, if necessary.)

Part C — Explain why Appellant does or does not have grounds for appeal. (See instructions. Additional sheets may be attached, if necessary.)

Part D — Indicate who is submitting the brief and provide the Appellee or Interested Party information requested below. If there is more than one person in the Appellee or Interested Party group, an authorized representative may sign on behalf of the group and provide the group members' names, mailing addresses, and telephone numbers on an attached sheet. If there is an Authorized Representative, also provide the Representative information requested below. (See instructions.)

☐ Appellee

☐ Interested Party

NAME (Please print)

EMPLOYEE IDENTIFICATION NUMBER

STREET ADDRESS/P.O. BOX

CITY

STATE

ZIP

TELEPHONE NUMBER

E-MAIL ADDRESS

☐ Appellee Representative

☐ Interested Party Representative

REPRESENTATIVE'S NAME (Please print)

ORGANIZATION

STREET ADDRESS/P.O. BOX

CITY

STATE

ZIP

TELEPHONE NUMBER

FAX NUMBER

E-MAIL ADDRESS

Signature of Appellee, Interested Party, or Representative

DATE

**INSTRUCTIONS FOR COMPLETING
BRIEF IN RESPONSE TO APPLICATION FOR LEAVE TO APPEAL
(for adjudicating officer decisions issued on or after March 18, 2001)**

This form is intended to help parties correctly organize a brief in response to an application for leave to appeal. Do not use this form to respond to a claim of appeal as of right.

Civil Service Commission Rules 1-15 and 8-7 and Civil Service Regulation 8.05, *Employment Relations Board Appeal Procedures*, permit an appeal from an adjudicating officer's final decision by filing with the Employment Relations Board (Board) an application for leave to appeal. Responding parties may file a response brief.

Deadline — The original response brief and 6 complete copies must be **received** in the Board office within twenty-eight (28) calendar days from the date indicated on the Appellant's proof of service of the application for leave to appeal. The Board may dismiss a late response brief unless a motion showing good cause or special extenuating circumstances for the delayed filing is attached to the response brief. Civil Service Regulation 8.06, *Computing Time and Filing Documents*, should also be referenced for filing requirements.

1. **Part A** — Complete this section with the information requested. Specifically, identify the decision number (including any letter prefixes; e.g., HERM or TRN), reference number(s), and the CS-138 number, if applicable, for the decision being appealed. (See front page of the adjudicating officer's decision for this information.)
2. **Part B** — Complete this section by listing briefly the events, dates, and findings leading up to this point in the case.
3. **Part C** — Complete this section, fully explaining why the Appellant does or does not have grounds for appeal. Civil Service Commission Rule 8-7.5(b) states that the Board may grant leave to appeal when it is alleged that "(1) the decision of the adjudicating officer is erroneous, (2) the decision violates article 11, section 5, of the Michigan constitution or is otherwise contrary to law, including the civil service rules and regulations, or (3) the question presented is of major significance to the classified service." New evidence will not be considered by the Board except upon prior written request showing legally sufficient reason and prior notice to all parties.
4. **Part D** — Indicate who is submitting the brief and provide the Appellee or Interested Party information requested. If there is more than one person in the Appellee or Interested Party group, an authorized representative may sign on behalf of the group and provide the group members' names, mailing addresses, and telephone numbers on an attached sheet. If there is an Authorized Representative, also provide the Representative information requested.

Make copies of the response brief and any attachments. Forward a copy of the response brief and attachments to the other parties, including any interested parties participating in the adjudication process. Retain a copy for your records. Send the original response brief and 6 complete copies to the Employment Relations Board, at the address on the front of this form, along with a completed proof of service form (CS-1740) or a statement showing the names and addresses of those served, the documents served, the date served, and the manner of service. Not serving all the other parties and not providing proof of service to the Board may nullify the response brief. If a fax or e-mail transmission is used to fulfill the time requirement, the Board must receive the original and 6 complete copies of the signed response brief within 7 calendar days. Do not include in the response brief documents already submitted to the adjudicating officer.

After receipt of the completed response brief, the Board will review the decision, the application, and the response brief and decide whether to grant leave to appeal. If leave is granted, parties may be requested to submit additional briefs and appear before the Board to make an oral presentation. All parties will be notified in writing of the Board's recommended (or final) decision.

A copy of Civil Service Regulation 8.05, *Employment Relations Board Appeal Procedures*, and the proof of service form (CS-1740) are available on the Civil Service Web site www.michigan.gov/mdcs or from the Board office. The Civil Service Commission Rules are available on the Civil Service Web site, from the appointing authority, or by ordering it from the Department of Management and Budget Print and Graphic Services.